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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ILLINOIS NATIONAL INSURANCE
COMPANY,

Plaintiff,

- against -

UNITED STATES FIDELITY AND GUARANTY,

Defendant.

Case No.: 07 Civ. 8248 (JFK)

**DECLARATION OF YOAV M.
GRIVER IN SUPPORT OF
PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT**

STATE OF NEW YORK,
COUNTY OF NEW YORK.

YOAV M. GRIVER, pursuant to 28 U.S.C. § 1746 and under the penalties of perjury, affirms as follows:

1. I am an attorney and a member of the law firm of Zeichner Ellman & Krause LLP, attorneys for plaintiff Illinois National Insurance Company ("Illinois National") in this action.
2. I make this statement in support of Illinois National's motion for summary judgment against defendant United States Fidelity And Guaranty ("USF&G").
3. On September 21, 2007, Illinois National filed a complaint against USF&G in this Court, seeking judgment against USF&G for the sum of \$916,958, or such other amount as the Court may determine; pre-judgment interest on its claim; its reasonable costs and expenses,

including attorneys' fees and costs incurred in enforcing Bond No. KF 5673; and such other and further relief as the Court deems just, equitable and proper. A true and correct copy of the Complaint is annexed hereto as **Exhibit A**.

4. On December 12, 2007, USF&G served an answer to the Complaint. A true and correct copy of USF&G's Answer is annexed hereto as **Exhibit B**.

5. Annexed hereto as **Exhibit C** is a true and correct copy of the calculation of the prejudgment interest owed Illinois National by USF&G. As of April 7, 2008, the total amount of prejudgment interest owed Illinois National is \$ 290,311.42.

6. On February 25, 2007, the parties appeared before the Court for the Initial Status Conference. At that conference, Illinois National argued that, based on the plain language of the Bond, there was no need for discovery. In turn, counsel for USF&G insisted that discovery was necessary.

7. The Court ordered expedited discovery to be completed by April 4, 2008, with dispositive motions to be filed by April 7, 2008.

8. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 4, 2008


YOAV M. GRIVER